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11 **UNITED STATES DISTRICT COURT**

12 **DISTRICT OF NEVADA**

13 IN RE CLEANSPIKE, INC. DERIVATIVE
14 LITIGATION

15 Case No. 2:21-cv-01004-GMN-BNW

16 This Document Relates to:

17 ALL ACTIONS.

18 **JOINT STIPULATION AND [Proposed]**
19 **ORDER EXTENDING DEADLINE TO**
20 **SUBMIT A PROPOSED SCHEDULE**

21 Plaintiffs Andrea Ciceri and Mark Perna (“Plaintiffs”), both derivatively on behalf of
22 Nominal Plaintiff CleanSpark, Inc. (“CleanSpark”) and Defendants Zachary K. Bradford, Lori L.
23 Love, S. Matthew Schultz, Roger P. Beynon, Larry McNeill, Thomas L. Wood, and Nominal
24 Defendant CleanSpark (“Defendants”) (collectively, with Plaintiffs, the “Parties”), by and
25 through their undersigned counsel, hereby enter into the following stipulation and proposed
26 order:

27 **WHEREAS**, on January 21, 2022, this Court issued an Order staying proceedings in this
28 matter (the “Stay Order”); and

29 **WHEREAS**, the Stay Order provided that the stay of proceedings in this matter would be
30 terminated upon, inter alia, denial in whole or in part of the then-anticipated motion to dismiss by
31 all defendants in the securities class action currently pending before the Hon. Loretta Preska in
32 the Southern District of New York, *Bishins v. CleanSpark, Inc. et al.*, No. 21-cv-511 (LAP) (the
33 “Securities Class Action”); and

1 **WHEREAS**, by Opinion & Order dated January 5, 2023, the court in the Securities Class
2 Action denied defendants' motion to dismiss, thereby terminating the stay of proceedings in this
3 matter; and

4 **WHEREAS**, the Stay Order further provided that the Parties meet and confer and submit
5 a proposed scheduling order for the Court's approval within two weeks of the date that the stay
6 of proceedings in this matter is lifted; and

7 **WHEREAS**, on January 20, 2023, the Court entered an order, based on the Parties'
8 stipulation dated January 19, 2023, extending the deadline for the Parties to file either a proposed
9 scheduling order or a notice updating the Court as to the progress of their meet and confer
10 sessions on or before February 2, 2023; and

11 **WHEREAS**, the Parties have been meeting and conferring, including by phone on
12 January 13, 2023 and additional discussions thereafter, but have not yet reached agreement on a
13 proposed scheduling order; and

14 **WHEREAS**, the defendants' answer in the Securities Class Action is due to be filed on
15 or before February 9, 2023, and the parties to the Securities Class Action are due to file their
16 Rule 26(f) report on or before April 24, 2023;

17 IT IS HEREBY STIPULATED AND AGREED, by the Parties hereto, through their
18 undersigned counsel, subject to the approval of the Court, as follows:

19 1. The Parties shall file either a proposed scheduling order or a notice updating the
20 Court as to the progress of their meet and confer sessions on or before February 24, 2023.
21 Defendants need not respond to the operative complaint until the date set in the Court's
22 scheduling order.

23 2. Other than as agreed herein, the Parties reserve all rights.

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DATED: February 1, 2023

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DATED: February 1, 2023

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ORDER

IT IS SO ORDERED

DATED: 12:58 pm, February 02, 2023



BRENDA WEKSLER
UNITED STATES MAGISTRATE JUDGE